

ATTACHED -B-

**PRESENTENCE REPORT - NUNEZ, Gerson**

- 64 - the October 27, 1999 interview with Labere where he states, in part, that he would purchase as much as nine ounces of cocaine at one time from NUNEZ, with an estimated six ounces of cocaine every other day of November 1998, however, because paragraph 66 encompasses Labere's purchases of cocaine from NUNEZ for November 1998, no amount of cocaine is attributed for this paragraph);
- 66 - the December 29, 1999 interview with Labere where he stated, in part, that during the period of September 24, 1998, until December 26, 1998, he purchased approximately three pounds (1,360.8 grams) of powder cocaine from NUNEZ;
- 70 - the November 18, 1999 trial testimony of Palacios where she indicated, in part, that NUNEZ also kept cocaine at the apartment in his closet and on two separate occasions, Palacios purchased nine ounces of cocaine (510.3 grams) from NUNEZ (18 ounces total) for approximately \$5,400 each;
- 71 - the November 18, 1999 trial testimony of Palacios where she testified that on one occasion she was at the Fashion 2000 store when NUNEZ received one ounce (28.35 grams) of cocaine from "Charlie";
- 72 - the November 18, 1999 trial testimony of Palacios where she testified that at one time there were 18 ounces of powder cocaine (510.3 grams) and nine ounces of cocaine base (equivalent to 25,515 grams of cocaine powder) at the 42nd Street apartment;
- 83 - the November 28, 1998 FBI telephone wiretap transcripts and Palacios' trial testimony that Valera contacted NUNEZ and informed NUNEZ that a man was going to come by the apartment in a taxi and that the man wanted 3.5 grams of cocaine-Valera instructed NUNEZ to open the bathroom window and get the cocaine from a white bag which contained 5.5 grams of cocaine, and then Valera instructed NUNEZ to obtain the 3.5 grams from the packet and told NUNEZ that the man was going to pay \$150 for the 3.5 grams of cocaine.
23. Therefore, for the purposes of establishing a base offense level the total amount of cocaine will be 41,581.25 grams of cocaine powder, or **41.58 kilograms of cocaine powder.**
24. **Base Offense Level:** The U.S. Sentencing Commission guideline for violations of 21 U.S.C. §§ 846 and 841(a)(1) is found in U.S.S.G. § 2D1.1. The Base Offense Level is specified in the Drug Quantity Table set forth in U.S.S.G. § 2D1.1(c). If the offense involved at least 15 kilograms but less than 50 kilograms of cocaine, the base offense

March 22, 2000